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10 *Attorneys for Lead Plaintiff Richard Ina, as Trustee for The Ina Family Trust*

11
12 UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

13 In re: CV SCIENCES, INC. SECURITIES
14 LITIGATION

15 This Document Relates To:
16
17 ALL ACTIONS

C.A. No. 2:18-cv-01602-JAD-PAL

**STIPULATION AND [PROPOSED]
ORDER EXTENDING TIME TO
RESPOND TO COMPLAINT
(FIRST REQUEST)**

1 Lead Plaintiff Richard Ina (“Ina”) and defendants CV Sciences, Inc., Michael Mona, Jr.,
2 Michael Mona, III, and Joseph D. Dowling (collectively “Defendants”), by their undersigned counsel,
3 state as follows:

4 WHEREAS, on August 24, 2018, David Smith, individually and on behalf of all others similarly
5 situated, filed a class action complaint captioned *Smith v. CV Sciences, Inc., et al.*, No. 2:18-cv-01602-
6 JAD-PAL, against Defendants alleging violations of violations of §§ 10(b) and 20(a) of the Securities
7 Exchange Act of 1934 (“Exchange Act”), 15 U.S.C. §§ 78j(b) and 78t(a), and Securities and Exchange
8 Commission Rule 10b-5 promulgated thereunder, 17 C.F.R. § 240.10b-5;

9 WHEREAS, on September 6, 2018, Lenny Alvarado, individually and on behalf of all others
10 similarly situated, filed a related class action complaint captioned *Alvarado v. CV Sciences, Inc., et al.*,
11 No. 2:18-cv-01709-JAD-GWF (with the *Smith* action, collectively “CV Sciences Actions”), against
12 Defendants alleging violations of §§ 10(b) and 20(a) of the Exchange Act, 15 U.S.C. §§ 78j(b) and
13 78t(a), and Securities and Exchange Commission Rule 10b-5 promulgated thereunder, 17 C.F.R. §
14 240.10b-5;

15 WHEREAS, the CV Sciences Actions are subject to the procedural requirements of the Private
16 Securities Litigation Reform Act of 1995 (“PSLRA”), 15 U.S.C. § 78u-4, which contemplates: (i) the
17 consolidation of similar actions; and then (ii) the appointment of a lead plaintiff and lead counsel;

18 WHEREAS, on October 23, 2018, several movants, including Ina, filed motions for
19 consolidation of the CV Sciences Actions, appointment as Lead Plaintiff, and approval of their
20 respective Lead Counsel selections in the CV Sciences Actions (*e.g.*, *Smith*, ECF Nos. 5-7);

21 WHEREAS, by November 5, 2018, all of the parties who filed such motions, except Ina,
22 withdrew their motions or filed notices of non-opposition to Ina’s Motion (*see, e.g.*, *Smith*, ECF Nos.
23 10, 13);

24 WHEREAS, on November 15, 2018, the Court consolidated the CV Sciences Actions, appointed
25 Ina as Lead Plaintiff for the consolidated CV Sciences Actions, and approved his selection of Lead
26 Counsel, *Smith*, ECF No. 21;

27 WHEREAS, Defendants do not contest service under Fed. R. Civ. P. 4;

28 WHEREAS, Ina intends to file a consolidated amended complaint;

WHEREAS, the parties agree that Defendants' deadline to respond to the CV Sciences Actions should be extended until 60 days after a consolidated amended complaint is filed, as set forth below in the proposed schedule;

WHEREAS, Ina's consolidated amended complaint will be subject to the heightened pleading standards imposed by the PSLRA and Fed. R. Civ. P. 9(b), and therefore requires more detailed allegations and more detailed arguments if Defendants move to dismiss Lead Plaintiff's consolidated amended complaint;

WHEREAS, this is the first stipulation for extension of time to respond to the complaint;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, that the Parties hereto respectfully request that the Court order as follows:

1. The Parties shall proceed according to the schedule below:

| Scheduled Event | Date |
|---|-----------------|
| Lead Plaintiff to file a consolidated amended complaint | January 4, 2019 |
| Defendants to file their motion to dismiss ("Motion") | March 5, 2019 |
| Lead Plaintiff to file his opposition to Defendants' motion to dismiss ("Opposition") | May 3, 2019 |
| Defendants to file their reply in support of their motion to dismiss ("Reply") | June 3, 2019 |

2. In light of the heightened pleading standard under the PSLRA and Fed. R. Civ. P. 9(b), the Parties' page limitations shall be as follows: ³⁰45 pages for Defendants' Motion, ³⁰45 pages for Lead Plaintiff's Opposition, and ²⁰30 pages for Defendants' Reply.

IT IS SO STIPULATED.

DATED: November 19, 2018

Respectfully submitted,

FARUQI & FARUQI, LLP

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and

and

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*Attorneys for Lead Plaintiff Richard Ina, as
Trustee for The Ina Family Trust*

PROCOPIO

S. Todd Neal

*Attorneys for Defendants CV Sciences, Inc.,
Michael Mona, Jr., Joseph D. Dowling, and
Michael Mona, III*

ORDER

IT IS SO ORDERED as modified.



THE HONORABLE PEGGY A. LEEN
UNITED STATES MAGISTRATE JUDGE

DATED: November 28, 2018